

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

JUAN MANUEL LUGO ENRIQUEZ,
GUILLERMO VIEYRA SALAS, and
JAIME ALONSO HERNANDEZ-
HERNANDEZ,
Defendants.

NO. CR22-191-RSM

PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulated Motion for Protective Order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** The material that is described in the Stipulated Motion is deemed "Protected Material."

2. **Production of Protected Material to the Defense.** The United States will make available copies of the Protected Material to defense counsels to comply with the government's discovery obligations. Possession of the Protected Materials is limited to defense counsels, as well as their investigators, paralegals, assistants, law clerks, and experts (collectively, the "members of the defense team"). The members of the defense

1 team may not provide copies of the Protected Material to other persons, including the
2 Defendants themselves. In addition, before providing any Protected Material to the
3 members of the defense team, defense counsels are required to provide a copy of this
4 Protective Order to the members of the defense team and obtain written consent by the
5 members of the defense team of their acknowledgment to be bound by the terms and
6 conditions of this Protective Order. The written consent need not be disclosed or
7 produced to the United States unless requested by the Assistant United States Attorney
8 and ordered by the Court.

9 **3. Review of Protected Material by Defendants.** The members of each
10 Defendant's defense team may share and review the Protected Material with their
11 respective Defendant. The Defendants, who are currently held at the Federal Detention
12 Center (FDC), will be permitted to review the Protected Material, consistent with the
13 regulations established by the Bureau of Prisons, with or without their respective counsel
14 in a controlled environment at the FDC, but will be prohibited from printing out, copying,
15 or disseminating the discovery. If the Defendants are released at any time before trial,
16 they will be permitted to review the Protected Material at the offices of their counsel, but
17 will be prohibited from printing out, copying, or disseminating the discovery.

18 **4. Limits on Dissemination of Protected Materials.** The members of the
19 defense team acknowledge that providing copies of the Protected Material to the
20 Defendants and other persons is prohibited, and agree not to duplicate or provide copies
21 of the Protected Material to the Defendants and other persons. This order does not limit
22 employees of the United States Attorney's Office for the Western District of Washington
23 from disclosing the Protected Material to members of the United States Attorney's
24 Office, federal law enforcement agencies, witnesses, and the Court and defense as
25 necessary to comply with the government's discovery obligations.

1 **5. Future Production of Additional Protected Materials.** Additional types
2 of discovery items may be deemed by the parties to constitute Protected Material upon
3 agreement, or (if no agreement can be reached) by further order of the Court.

4 **6. No Waiver.** Nothing in this order should be construed as imposing any
5 substantive discovery obligations on the government that are different from those
6 imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure. The failure
7 to designate any material as Protected Material shall not constitute a waiver of a party's
8 assertion that the materials are covered by this Protective Order.

9 **7. No Ruling on Timing of Production.** This Protective Order does not
10 require the government to provide particular discovery at a time or in a fashion
11 inconsistent with applicable law.

12 **8. No Ruling on Discoverability or Admissibility.** This Protective Order
13 does not constitute a ruling on the question of whether any particular material is properly
14 discoverable or admissible and does not constitute any ruling on any potential objection
15 to the discoverability of any material.

16 **9. Use of Protected Material in Court.** Any Protected Material that is filed
17 with the Court in connection with pre-trial motions, trial, or other matter before this
18 Court, shall be filed under seal and shall remain sealed until otherwise ordered by this
19 Court. This does not entitle either party to seal their filings as a matter of course. The
20 parties are required to comply in all respects with the relevant local and federal rules of
21 criminal procedure pertaining to the sealing of court documents.

22 **10. Violation of Order.** Any person who willfully violates this order may be
23 held in contempt of court and may be subject to monetary or other sanctions as deemed
24 appropriate by this Court.

25 **11. Modification of Order.** Nothing in this Stipulation shall prevent any party
26 from seeking modification of this Protective Order or from objecting to discovery that it
27 believes to be otherwise improper. The parties agree that in the event that compliance

1 with this Order makes it difficult for defense counsels to adhere to their Sixth
2 Amendment obligations, or otherwise imposes an unworkable burden on defense
3 counsels, they shall bring any concerns about the terms of the Order to the attention of
4 the government. The parties shall then meet and confer with the intention of finding a
5 mutually acceptable solution. In the event that the parties cannot reach such a solution,
6 defense counsels shall have the right to bring any concerns about the scope or terms of
7 the Order to the attention of the Court by way of a motion.

8 12. **Non-Termination.** The provisions of this Order shall not terminate at the
9 conclusion of this prosecution. Furthermore, at the close of this case, the Protected
10 Material shall be returned to the United States, or destroyed, or otherwise stored in a
11 manner to ensure that it is not subsequently duplicated or disseminated in violation of this
12 Protective Order.

13 The Clerk of the Court is directed to provide a filed copy of this Protective Order
14 to all attorneys of record.

15 DATED this 26th day of January, 2023.

16
17 

18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
20

21 Presented by:

22
23 s/ Yunah Chung
24 YUNAH CHUNG
25 Assistant United States Attorney
26
27